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A PROFESSIONAL LIMITED
LIABILITY COMPANY

Suite 400
2530 Meridian Parkway
Durham, NC 27713

Mailing Address:
Post Office Box 13069
Research Triangle Park, NC 27709
Telephone: (919) 484-2300
Fax: (919) 484-2340
Web Site: www.wcsr.com

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David S. Bradin

Direct Dial: (919) 484-2382
Direct Fax: (919) 484-2340
E-mail: dbradin@wcsr.com

FACSIMILE

August 16, 2007

Number of Pages:

Please call the following number if the message you
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C/M - 51081.0004.6

C261 1040.1

25 pgs.- including
cover sheet

To:

Company:

Fax:

Phone:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

(571) 273-8300

Thank you.

Regards,

David S. Bradin

CONFIDENTIAL AND PRIVILEGED: The information contained in this facsimile is privileged and confidential information intended for the sole use of the addressee. If the reader of this facsimile is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this FAX in error, please immediately notify the person listed above, and return the original message by mail to the sender at the address listed above.

WCSR_3577465v1

PTO/SB/17 (07-07)

Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/09/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (P.L. 108-447)

FEE TRANSMITTAL
For FY 2007☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/747,616
Filing Date	December 30, 2003
First Named Inventor	K.V.S.N. Raju et al.
Examiner Name	Vivian Chen
Art Unit	1773
Attorney Docket No.	C261 1040.1

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METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 09-0528 Deposit Account Name: _____
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2030.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)

Total Claims: _____ Extra Claims: _____ Fee (\$): _____ Fee Paid (\$): _____

- 20 or HIP = _____ x _____ = _____

HIP = highest number of total claims paid for, if greater than 20.

Indep. Claims: _____ Extra Claims: _____ Fee (\$): _____ Fee Paid (\$): _____

- 3 or IIP = _____ x _____ = _____

IIP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(u)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

_____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): RCE Fee: \$790.00

SUBMITTED BY

Signature	<i>David S. Bradin</i>	Registration No. (Attorney/Agent)	37,783	Telephone (919) 484-2382
Name (Print/Type)	David S. Bradin	Date	August 16, 2007	

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to life (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 10/747,616	Confirmation No. 2874
Application of: RAJU, K. V. S. N., et al.	Group Art Unit: 1773
Filing Date: December 30, 2003	Examiner: Chen, Vivian
Title: Oxygen Barrier Material For Packaging	Docket No. C261 1040.1 (51081.0004.6) Customer No. 26158

**RESPONSE TO NOTICE OF IMPROPER REQUEST
FOR CONTINUED EXAMINATION (RCE)**

VIA FACSIMILE (571) 273-8300

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Office of Petitions

Dear Sir/Madam:

In response to the Notice of Improper Request for Continued Examination (RCE),
Applicant submits herewith the following documents:

- 1) Resubmission of the Request for Continued Examination (RCE) Transmittal;
- 2) Amendment/Response;
- 3) Copy of Notice of Improper Request for Continued Examination (RCE); and
- 4) Petition for Revival of an Application for Patent Abandoned Unintentionally
Under 37 CFR 1.137(b).

The Commissioner is authorized to charge the \$1,500.00 fee for the Petition for Revival
and any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit
Account No. 09-0528.

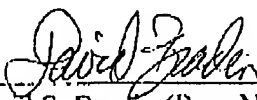
WCSR 3671688v1

Application No. 10/747,616
Response to Office Action mailed January 24, 2007
Atty. Dkt. No.: C261.1040.1

The Examiner is invited to contact the undersigned at (919) 484-2382 regarding any question concerning this submission.

Respectfully submitted,

Date: August 16, 2007


David S. Bradin (Reg. No. 37,783)
Womble, Carlyle, Sandridge & Rice
P.O. Box 7037
Atlanta, GA 30357-0037
Office: 919-484-2382
Fax: 919-484-2084



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1420
 Alexandria, Virginia 22313-1420
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/747,616	12/30/2003	Kolhapalli Venkata Surya Narayana Raju	C261 1040.1	2874

26158 7500 08/01/2007
 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
 ATTN: PATENT DOCKETING 32ND FLOOR
 P.O. BOX 7037
 ATLANTA, GA 30357-0037

EXAMINER	
CHEN, VIVIAN	
ART UNIT	PAPER NUMBER
1773	
MAIL DATE	DELIVERY MODE
08/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WOMBLE, CARLYLE
 SANDRIDGE & RICE PLLC

DOCKETED



Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO./FILE
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10/747,616

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 07/24/07 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Yolanda Middleton, Examining Group TC 1700

678) 272-1031
FORM PTO-2051 (Rev. 3/2001)